

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND et al,)

Plaintiffs,)

vs.)

B & G UTILITIES, LLC,)

Defendant.)

Case No. 4:10-CV-01735-NAB

MEMORANDUM AND ORDER

On December 6, 2011, the Court ordered Defendant, a business entity, to obtain counsel for representation in this matter within fourteen days of the Order.¹ *See* [Doc. 27]. Defendant has failed to obtain counsel or otherwise respond to the Court's Order. On January 3, 2012, Plaintiffs filed a Motion for Summary Judgment. [Doc. 28]. Before considering Plaintiffs' Motion for Summary Judgment, the Court will allow Defendant a final opportunity to comply with the Court's December 6, 2011 Order. Defendant is hereby ordered to obtain counsel for representation in this matter no later than January 16, 2012. Failure to comply with this Order will result in the Court granting Plaintiffs' Motion for Summary Judgment and entering judgment in favor of the Plaintiffs against Defendant for the relief requested in Plaintiffs' Motion for Summary Judgment, to the extent that such relief is consistent with applicable law.

Accordingly,

IT IS HEREBY ORDERED that Defendant shall, no later than January 16, 2012, obtain counsel to represent it in this matter.

¹Defendant's attorney withdrew from this case and under established federal law, a Defendant business entity can only appear in court through an attorney. *See Harrison v. Wahatoyas*, L.L.C., 253 F.3d 552, 556 (10th Cir. 2001); *Lattanzio v. COMTA*, 481 F.3d 137 (2nd Cir. 2007).

IT IS FURTHER ORDERED that Defendant's counsel shall file an entry of appearance on behalf of Defendant no later than January 16, 2012.

Dated this 5th day of January, 2012

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE